

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.1
Eastern Division**

Levonna Wilkins

Plaintiff,

v.

Case No.: 1:13-cv-05806

Honorable Matthew F. Kennelly

Just Energy Group, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, July 9, 2019:

MINUTE entry before the Honorable Matthew F. Kennelly: The Court denies in part defendant's motion to open and close trial [223] and defers ruling in part. For purposes of opening statements and presentation of evidence, the Court is not persuaded that allowing defendant to go first would enhance comprehension by the jury. In this regard, the Court agrees with Judge James S. Gwin's ruling in the case of *Hurt v. Commerce Energy, Inc.*, No. 12-cv-758 (N.D. Ohio Aug. 29, 2014). The Court defers ruling on the motion as it relates to closing arguments. If it turns out as of the conclusion of the evidence that the only contested issue is a defense on which the defendant bears the burden of proof, the Court will entertain having the defendant give the opening and rebuttal closing arguments, with appropriate instructions to explain to the jury why arguments are being ordered that way. The Court will leave it to defendant to raise this issue at an appropriate point during the trial. (mk)

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